

# ArtCare

Collections Management Policy for  
Washington's State Art Collection

Art in Public Places



WASHINGTON STATE  
ARTS COMMISSION

## Updates

- Adopted February 2006 with Board approval for Deaccession and Gifts and Transfers sections
- Revised September 2006
- Approved in its entirety by the Board February 1, 2011
- Revised with changes to Deaccession section May 7, 2013
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# INTRODUCTION

## Statement of Purpose and Authority

To preserve the State’s investment, the State Art Collection requires dedicated resources for its ongoing care, including resources for conservation and maintenance.

*ArtCare* guides the management of the State Art Collection. This living document was adopted in February 2006 and is updated regularly.

Artworks in the State Art Collection are held by partner agencies—state agencies, K-12 public schools, universities, colleges, community colleges, and other public entities working with the Washington State Arts Commission (ArtsWA) Art in Public Places program—working in partnership with ArtsWA under the terms of an Interagency Agreement.<sup>1</sup> Development, administration, and management of the State Art Collection are carried out by ArtsWA.<sup>2</sup>

ArtsWA is authorized by the Revised Code of Washington (RCW) 43.46.040 to adopt rules (Washington Administrative Code or WAC) and to administer the Art in Public Places program (RCW 43.46.090). The WAC is intended to implement RCW 43.46.090, 43.46.095, 43.17.200, 43.17.205, 43.17.210, 43.19.455, 28A.335.210, 28B.10.025, and 28B.10.027.<sup>3</sup> The WACs related to ArtsWA were revised in 2010. Under the authority established in the RCWs, ArtsWA develops, inventories, maintains, and presents the State Art Collection to the public.

ArtsWA staff has the authority and responsibility to implement all aspects of *ArtCare* and related day-to-day decisions. The Executive Director is responsible for the overall realization of *ArtCare*. Policy-level revisions require Board approval.<sup>4</sup> Staff may clarify or make grammatical changes to existing sections of *ArtCare* or update timely information, such as Strategic Plan excerpts, without Board approval.

## Strategic Direction – Art in Public Places

### Overview

In establishing ArtsWA, the Legislature recognized the importance of developing and conserving the state’s artistic resources as essential to the social, educational, and economic growth of the state. Legislation establishing and authorizing ArtsWA (RCW 43.46.005) asserts that “Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of the state, and are an appropriate matter of concern to the government of the state of Washington.”

### Mission and vision<sup>5</sup>

#### **Mission**

The Washington State Arts Commission is a catalyst for the arts, advancing the role of the arts in the lives of individuals and communities throughout the state.

## **Vision**

The arts thrive and are celebrated throughout Washington State, and are woven into the fabric of vital and vibrant communities.

## **Strategic Plan excerpts**

The Art in Public Places program and State Art Collection are central to ArtsWA's 2012-2016 Strategic Plan. The Strategic Plan focuses on six goals. Goal 4 addresses stewardship of the State Art Collection.

### **Goal 4 – Improve Stewardship of the State Art Collection**

Public art enhances public spaces and encourages community dialogue. The Washington State Legislature established the Art in Public Places program in 1974 to acquire artwork for K-12 public schools, colleges and universities, and State buildings. Today, the State Art Collection includes more than 4,500 artworks that are sited where people live, work, and study. Stewardship of the State Art Collection has become a higher priority in recent years, to preserve the State's investment, minimize maintenance needs, and optimize public appreciation of this tremendous resource.

Objective 1 – Acquire public art through processes guided by clear acquisition and collection care policies.

Objective 2 – Actively engage communities with the State Art Collection.

Objective 3 – Improve long-term care and conservation of the State Art Collection.

Objective 4 – Build public awareness and understanding of the State Art Collection.

## **About the State Art Collection**

### **Scope and description**

The State Art Collection consists of artwork and select design models commissioned or purchased under authority of state law (RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455). Artworks are placed where Washingtonians study, work, and gather.

The State Art Collection includes two- and three-dimensional, freestanding, and integrated artworks.<sup>6</sup> Artworks by artists from Washington State and beyond are acquired by both commission and purchase. The State Art Collection includes works by such notable Washington State artists as Kenneth Callahan, Gloria Crouse, William Ivey, Fay Jones, Jacob Lawrence, Bruce Miller, Mary Randlett, and George Tsutakawa. It includes works by artists significant to our national heritage,

such as Rudy Autio, Louise Bourgeois, and Joan Brown. Nearly all artworks in the State Art Collection have been acquired during the lifetime of the artist.

The ArtsWA Art in Public Places program is responsible for the development, administration, and management of the State Art Collection.<sup>7</sup> Funding for the acquisition of most artworks is generated by state-funded construction of any new building or additions to an existing building or structure except for highway construction sheds, warehouses, or other temporary buildings. In addition, funding for public art is generated by any renovation or remodel work exceeding \$200,000 at universities, colleges, and community colleges.<sup>8</sup> Funding is calculated at one-half of 1percent for such projects.<sup>9</sup>

## Collection history

The first artwork in the State Art Collection was commissioned from artist Ken Lundemo, of Seabeck, in 1975 for Poulsbo Elementary, North Kitsap School District. That year, 28 artworks by 20 artists were added to the collection. Artwork acquisitions—both purchases and commissions—continued to grow through the remainder of the 1970s, averaging 100 artworks per year in the first 5 years.

During the 1980s and 1990s, in addition to ongoing commissions and purchases of artwork, ArtsWA initiated three traveling exhibitions to K-12 public schools: *Beyond Blue Mountains* (1984-85), *Who We Are: Autobiographies in Art* (1990), and *Multiples: The Sciences and Art* (1991). ArtsWA published school workbooks to accompany the exhibits.

In 1993, the Legislature added language to the Capital Budget to allow artwork allocations to be combined (pooled)<sup>10</sup>, enabling initiatives such as “K-12 Pooled Funds” (2011), which created a combined fund of all K-12 public school allocations from which districts apply for a fully funded public art project.

In 1995, ArtsWA collaborated in a pilot project with the state Department of Corrections to fabricate artist-designed works in unlimited editions for placement in public schools. The Limited Edition Artists Design (LEAD) project resulted in six artwork designs selected by public schools for acquisition during the 1997-1999 biennium.

For nearly three decades, the State Art Collection grew quickly, averaging 173 artworks added annually through 2002. This rate proved unsustainable in terms of maintenance, conservation, and restoration and, in 2003, ArtsWA purposefully slowed the growth of the State Art Collection to ensure better stewardship. The primary focus of artwork acquisitions now centered on site-responsive commissions. A small number of artwork purchases were restructured, with the introduction of Curated Collections<sup>11</sup> and the pooling of small public school artwork allocations<sup>12</sup>. These initiatives further reduce the number of small works purchased and increase the quality of

presentation and placement. From 2003 through 2009, ArtsWA acquired about 50 artworks annually.

In 2005, ArtsWA staff implemented a directive from the state Department of Corrections to place artwork funded by corrections' construction projects in communities rather than within corrections centers.<sup>13</sup> Revisions to RCW 28A.335.210, 28B.10.027, and 43.17.200 enacted through House Bill 2188 in the same year allowed a portion of artwork allocations to be used for conservation of the growing State Art Collection.<sup>14</sup> Capital Budget provisos delineate how that funding may be used. (See, for example, Engrossed Senate Substitute Bill (ESSB) 6094).

For a variety of reasons, artwork is occasionally returned to Arts WA (see *Access and Use*, below.) A comprehensive approach to artwork re-siting was implemented in 2009, to permanently re-site returned artworks.<sup>15</sup> In addition, staff implemented a conservation review process for artwork acquisitions to ensure the use of durable materials and appropriate fabrication and installation techniques.<sup>16</sup>

In 2010, the conservation review process was augmented by the publication of the *Materials and Fabrication Handbook* for artists, and the Curator Roster was established to support Curated Collections.<sup>17</sup> In 2011, all K-12 public school artwork allocations were pooled for the first time, requiring eligible K-12 schools to apply for artwork acquisitions.<sup>18</sup>

## Collections management history

The first inventory of the State Art Collection was conducted in 1990 by ArtsWA fiscal office staff. Subsequent inventories were conducted in 1993, 1996, 1997, 1999, 2002, and 2004. In 2006, staff introduced an inventory cycle to document one-third of the collection every year in an effort to better identify and address artwork damage and loss. Portions of the collection to be inventoried were designated by county. Until 2008, inventories were completed via hard-copy forms mailed to the ArtsWA office. ArtsWA conducted the first online inventory in 2008. In 2011, staff conducted an electronic inventory based on location records that are more than 3 years old, rather than by county, which ensures that partner agencies not responding in one year will be asked to complete the inventory again the next.

In fiscal year 1994, when the State Art Collection was 20 years old, ArtsWA began committing \$25,000 annually from General Fund monies for artwork conservation and restoration. The 2005-2007 Capital Budget<sup>19</sup> and changes to public art authorizing legislation<sup>20</sup> allowed for \$100,000 per biennium to be used to contract for services to conserve or maintain artwork in the State Art Collection. To implement the new conservation funding provisions and to guide the care of the State Art Collection, ArtsWA staff introduced *ArtCare*. Given anticipated construction projects, staff determined that allocating 3 percent of artwork acquisition budgets for conservation would generate approximately the allowable conservation funding. Funding for future conservation projects was first collected in fiscal year 2007, with expenditures beginning in 2008. ArtsWA committed

additional conservation funding as available. The conservation proviso was revised in the 2007-2009 and 2009-2011 Capital Budgets to remove the language requiring contracting for services. Beginning in July 2013, 5 percent of artwork acquisition budgets will be set aside for conservation.

The Collections Manager position was established in 1999, when the State Art Collection was 30 years old and included more than 4,400 artworks. This position has continued since that time, though sometimes at a part-time status. In 2007, a half-time conservation technician position was established to strengthen stewardship and capacity of ArtsWA to conduct artwork conservation and maintenance projects.

The first artwork deaccessions from the collection occurred in 1990. Deaccession action has proceeded sporadically since then, typically reflecting information gathered from inventories, as well as the age of the collection and the increase in construction projects affecting sites where artworks are located.



# ACQUISITION

## Process

*ArtCare* does not address art selection processes. The RCW, WAC, and Art in Public Places program guidelines govern the selection of artists and the processes for acquiring artwork for the State Art Collection.<sup>21</sup> Artworks enter the public environment through a careful process facilitated by ArtsWA staff, informed by professional judgment, and approved by representatives of partner agencies.

## Gifts and Transfers

ArtsWA does not accept gifts or transfers of artwork to the State Art Collection.<sup>22</sup> The State Art Collection consists only of artwork and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455.<sup>23</sup>

# CARE OF THE COLLECTION

## Maintenance and Stewardship

Stewardship of artwork in the State Art Collection is the responsibility of ArtsWA and its partner agencies. Care of the artwork and its surroundings must consider the physical condition of the artwork; the intentions of the principal partners in the acquisition, including the artist, partner agency, and Commission; and stewardship terms as set out in Interagency Agreements and acquisition contracts.<sup>24</sup>

Partner agencies are responsible for all artwork maintenance, both routine and special, as specified by ArtsWA staff or by the artist. Routine and special maintenance may include maintenance of the environment surrounding the artwork, in addition to maintenance of the artwork itself. Maintenance requirements are detailed in the Technical and Maintenance Records, Detailed Artwork Report, and/or supplemental materials provided by ArtsWA after the artwork is installed. All costs associated with maintenance are the responsibility of the partner agency<sup>25</sup>. As outlined in the Interagency Agreement, ArtsWA relies on regularly scheduled inventories and on the leadership, participation, and reporting of partner agencies in identifying artwork damage and safety issues as they occur.<sup>26</sup>

At the close of the artwork acquisition or re-siting process, staff provide the partner agency with documentation about the acquisition, care, and maintenance of the artwork. In addition to its responsibilities for routine and special maintenance and reporting, the partner agency is responsible for retaining all records related to the artwork. These records are supplemental to ArtsWA records.

Staff may provide training on artwork care as needed or at the request of the partner agency.

## Artwork Handling

### Storage standards

Artworks in the State Art Collection are intended to be on permanent display and not in storage. Artwork is typically placed in storage while waiting for re-siting, conservation, or restoration. Under the direction of ArtsWA staff, a partner agency may store an artwork in ArtsWA offices or in third – party, off-site storage. Storage that is managed by art handling professionals and that has a climate controlled environment, as well as substantial security system, is preferred, but factors such as cost, artwork size, and vulnerability will be considered by ArtsWA staff before artwork storage is finalized.

### Handling

Preferably, only staff trained in professional standards handle or supervise handling of artwork in the State Art Collection. Addendum II “Conservation and Art Handling” of the ArtsWA *Accident Prevention Plan* includes information about artwork handling issues related to the safety of personnel. Staff will follow the *Accident Prevention Plan* when handling artwork.

## Condition reporting

Staff examine the condition of an artwork when it arrives at ArtsWA offices. Any change in condition is noted when the artwork is removed from the ArtsWA office. Staff may also examine the condition of the artwork when it is on-site, at the partner agency. ArtsWA may ask partner agencies may to evaluate the condition of an artwork when it is scheduled for outgoing loan. Partner agencies evaluate the basic condition of their artwork and report that information to ArtsWA through the inventory process. Condition examination reports and corresponding digital images are entered into the ArtsWA electronic database system. Copies of paper inventories are kept in ArtsWA office files for the life of the artwork.

## Inventory<sup>27</sup>

### Overview

As part of their stewardship of the State Art Collection, partner agencies are responsible for participating in regularly-scheduled inventories, conducted by ArtsWA. Inventories ensure that artwork records are up-to-date and help maintain an overview of the State Art Collection. These inventories are necessary to:

- Determine the physical condition and confirm the current location of artwork in the State Art Collection
- Set priorities for conservation and restoration
- Evaluate effectiveness of documentation, labeling, cataloguing, and other methods of record keeping.

### Procedure

Staff implement regularly scheduled inventories based on the *Washington State Administrative and Accounting Manual*.<sup>28</sup> Staff report inventory results to the state Office of Financial Management annually.

In 2011, staff began inventorying artworks with location confirmation dates more than 3 years old at all partner agencies. Information gathered through the inventory process includes the artwork’s location and a summary of its condition.

Staff evaluate and determine appropriate actions based on inventory responses from partner agencies. Actions may include examination, re-siting, conservation, restoration, or deaccession. Costs for these actions are typically borne by ArtsWA, but may also be negotiated. For example:

**Reports of damage or vandalism:** ArtsWA staff may require photographic documentation or a police report from the partner agency. Staff may ask the artist or other qualified arts professional to examine the artwork condition to determine if it is repairable and at what cost.

**Reports of missing artwork:** ArtsWA staff will collaborate with partner agencies to conduct a thorough search, or document a previous search, and may request a property loss form, police report, or other formal report indicating that the artwork is no longer located at its intended partner agency or site. The form asks for any information known or suspected about loss of the artwork.

## Conservation and Restoration

### Responsibilities

ArtsWA is responsible for conserving and restoring artwork in the State Art Collection, unless those actions are necessary due to changes or intentional or negligent damage caused by the partner agency.<sup>29</sup> Conservation and restoration may be required to repair damaged or malfunctioning artworks to meet their original intent and function.<sup>30</sup> Partner agencies and/or sites generally report damaged or malfunctioning artwork to ArtsWA, and this may initiate action by ArtsWA staff.

ArtsWA is responsible for ensuring that conservation or restoration is undertaken in accordance with appropriate professional standards. The ability of ArtsWA to conserve or restore artwork is contingent upon Legislative appropriations for this purpose.<sup>31</sup> Artworks selected for conservation or restoration will be prioritized for limited funding by using the priorities outlined in the “Priorities” subsection, below.

Staff coordinate conservation and restoration and may work directly with the artist, a selected conservation professional, or vendor.<sup>32</sup> The terms of the contract under which the artwork was acquired will guide the specific course of action.

The partner agency must make the artwork available to the ArtsWA staff or its representatives for the purposes of examination, documentation, repair, conservation, and restoration.<sup>33</sup>

### Preventive conservation

For the State Art Collection, preventive conservation means taking actions that minimize potential future conservation needs. Preventive conservation is recognized in the collections management field as the most desirable form of artwork conservation—it costs the least over the long-term and has the least negative impact on the artwork. To increase preventive conservation of the State Art Collection, ArtsWA implemented the following:

**Materials and Fabrication Handbook:** Published in 2010, the handbook provides information for artists about durable materials and preferred or required fabrication and installation methods. Based on consultations with conservators, experience with past State Art Collection conservation projects,

materials research, and fabrication experience, the handbook informs artists about the specific challenges artwork faces in the public environment and helps artists to mitigate those challenges through use of appropriate materials, design, fabrication, and installation techniques.

**Conservation consultation and review:** Artists are required to consult with a conservator (or conservation technician, as appropriate) selected by ArtsWA staff to evaluate artwork materials, placement, and fabrication; reversibility of artwork installation; future maintenance; and potential lifespan of the artwork.

**Conservation consultation:** A phone or in-person consultation takes place during the early concept and design phase of an artwork acquisition. The conservation professional concludes the consultation with a written summary of the consultation. ArtsWA implemented the requirement for conservation consultation in 2010.<sup>34</sup>

**Conservation review:** ArtsWA requires a formal assessment of an artist's draft final proposal.<sup>35</sup> Conservation reviews were first conducted in 2008 for select artwork commission proposals. In 2010, the process was implemented for all artwork commissions.

**Acquisition contract scopes of work:** Scopes of work for ArtsWA contracts specify detailed information about materials, fabrication, placement, and installation, determined through the proposal phase and in conjunction with conservation consultation and review.

**Extended artwork warranty periods:** In 2008, the standard warranty period for newly commissioned artwork was increased from 1 year to 2 from the artwork acceptance date, with the option for staff to require longer warranty periods as needed.

**Framing:** Requirements for new artwork to be framed are included in the *Materials and Fabrication Handbook*. Framing is managed with oversight from ArtsWA staff to ensure archival and durable methods of presentation.

**Security installation methods:** As appropriate, newly acquired and re-sited artworks must be installed by using security hardware or secure mending plates to deter theft.

**Artwork identification:** Artworks must be marked with ArtsWA information and accession numbers. See "Marking" subsection of Documentation and Records, below.

**Plaques with artist's statement:** Commissioned artwork must include plaques bearing standard artwork identification and artist credit information. As of 2009, the plaques may also include interpretative information from the artist, including the site-responsive qualities of the artwork and other information to promote understanding of the artwork.<sup>36</sup>

**Final project documentation:** Detailed information that notes the artist’s long-term intent for the artwork, “as-built” information (including materials and material samples as required), fabrication, and installation (including de-installation instructions), is required to support well-informed future conservation and maintenance decisions.<sup>37</sup> Expanded forms for final project documentation were first required of artists completing projects in 2010.

**Agency-level inventory contacts:** Since 2012, the artwork inventory has been conducted with a contact at the partner agency, rather than with site contacts. Through this process, partner agencies gain awareness of state-owned artwork located in facilities for which they are responsible and ArtsWA is better able to ensure that we are contacting current partner agency staff.

Future efforts to ensure maintenance by partner agencies and improve their communication with ArtsWA include training partner agencies on maintenance procedures for all new artworks, and sending partner agencies electronic maintenance reminders and tracking.

## Funding

### Sources

**State construction funding and artwork acquisition allocations:** Fees assessed on each percent-for-art artwork allocation may be combined to fund artwork conservation and restoration.<sup>38</sup> The fee will be assessed as a percentage and will fluctuate based on the total amount of funds generated from qualifying capital projects in any given biennium. ArtsWA staff determine the fee percentage and method of application at the beginning of each biennium. Per Engrossed Senate Substitute Bill (ESSB) 6094, Section 910 (4) in total, conservation fees expended will not exceed \$100,000 during a given biennium.

**State operating budget (General Fund):** The state operating budget may fund conservation and restoration. The Executive Director may, as part of the agency budgeting cycle, assign funds from this source.

**Other sources:** Third party sources—such as partner agency, private, or federal funding—may fund conservation and restoration in whole or in part, at the discretion of the Executive Director.

### Services

Conservation funds will be used for costs directly related to the care of individual artworks and may include the following: conservation or restoration activities and materials, artwork examinations, staff-initiated routine or special maintenance activities and materials, replacement plaques, special conservation related projects (i.e. partner trainings), artwork documentation/photography, appraisals, artwork transportation, and fine art storage.<sup>39</sup>

### Priorities<sup>40</sup>

ArtsWA staff determine projects for available conservation and restoration funding, prioritizing in the following order:

- The artwork in its current condition presents a public safety hazard or liability.
- The artwork is scheduled for imminent re-siting.
- The partner agency or site will participate in conservation or restoration by matching or contributing funds or supporting the effort through in-kind contributions.
- The artwork demonstrates artistic excellence as evidenced by:
  - Technique, skill of execution, creativity, innovation and/or intellectual rigor.
- Being among a small number of surviving examples of a style or period, within a given region.
- Being unique in the State Art Collection: It is neither duplicated nor substantially similar to other artworks in the State Art Collection by the same artist.
- Its significant monetary value. By itself, artwork value is not a sufficient criterion to justify conservation or restoration. Monetary value is not a constant and it may be affected by fads, trends, scholarship, and availability.
- The artist has received significant critical acclaim, as evidenced by his/her exhibition history, public artwork commissions, or analysis and/or description by a recognized scholar or critic published in professional journals, art periodicals, books, or other collections in which the artist's work can be found.

## Capitalizing Assets

The State Art Collection is held in the public trust for exhibition, education, and research, not for the state's financial gain. Therefore, ArtsWA does not capitalize artwork in the State Art Collection.<sup>41</sup> However, ArtsWA staff may research and document artwork values for purposes such as deaccession or outgoing loans.

## Insurance

ArtsWA does not carry an insurance policy to cover the State Art Collection; the collection is self-insured.<sup>42</sup> A partner agency may wish to insure artwork in its care.

ArtsWA and partner agencies agree to be responsible for the negligent acts or omissions of their own officers, employees, and agents in the performance of their Interagency Agreement, including, but not limited to site preparation, installation, placement, routine and special maintenance and disposition of the artwork. Each also agrees to indemnify and hold harmless the other against any and all claims, demands, or liabilities that arise.<sup>43</sup>

## Appraisals

ArtsWA staff neither conduct appraisals nor authenticate artwork that is in the State Art Collection. Staff may estimate value for artwork in the State Art Collection for internal purposes only.

ArtsWA staff determine when a professional appraisal is necessary and contracts for appraisal services. Staff will only select appraisers who demonstrate fine art expertise, have an appraisal designation from a recognized professional appraiser organization, and agree to adhere to the *Uniform Standards of Professional Appraisal Practice*, as published by The Appraisal Foundation<sup>44</sup>.

## Native American Graves Protection and Repatriation Act

As an agency that has received funding from the federal government, ArtsWA recognizes its responsibility to comply with Public Law 101-601, the Native American Graves Protection and Repatriation Act (NAGPRA)<sup>45</sup>. Under this law, agencies are obligated to inventory and summarize all human remains, associated funerary objects, unassociated funerary objects, sacred objects, and cultural patrimony. If such objects are held by an agency, the agency is required to return the objects to the appropriate tribe, if indeed, the tribe desires their return.

As of this writing, the State Art Collection is reviewing the State Art Collection for objects that may be covered by NAGPRA.



## DEACCESSION<sup>46</sup>

ArtsWA is responsible for the deaccession or removal of artwork from the State Art Collection. Deaccession and disposal are necessary parts of the management of the State Art Collection. These actions help maintain the integrity of the State Art Collection.

Deaccession requires conscientious review and should reflect policy, rather than reaction to the pressures of a particular moment or circumstance. Standards applied to deaccession and disposal should be as stringent as those applied to the acquisition process, should not be subject to changes in fashion and taste, and should represent professional judgment. Artwork may only be deaccessioned after consideration of the criteria for deaccession and appropriate approvals, as outlined below.

### Review Criteria

ArtsWA will deaccession artworks from the State Art Collection only if reasonable cause has been established by one or more of the following:

- The artwork has been lost or stolen.
- The artwork presents a safety hazard in its present condition.
- The artwork is beyond repair, because conservation or restoration of the artwork's structural or aesthetic integrity is either:
  - Technically infeasible.
  - Disproportionate to the value of the artwork.
- The artwork requires excessive maintenance that is disproportionate to its value.
- The environment or architectural support (on which a site-specific artwork depends) is to be, or has been, destroyed or modified such as to compromise the artist's intentions and re-siting is infeasible.
- The artwork was acquired without proper or full title transfer to ArtsWA or without necessary permissions secured by the artist.
- The artwork includes material subject to the Native American Graves Protection and Repatriation Act (NAGPRA).

## Procedure

The deaccession process is initiated by reports from any source indicating an artwork meets one or more of the deaccession criteria. Staff:

- Request written notification and photographs from the partner agency, when appropriate.
- Review the documentation and may request additional information or examination of the artwork's condition or situation, and/or conduct a site visit before proceeding with deaccession.
- Gather records as documentation of the deaccession, including related police reports, property loss forms, correspondence, and photographs.

At the recommendation of staff, the Executive Director has the authority to initiate immediate action that may lead to deaccession for purposes such as safety, liability, imminent construction, or other timely need. Such decisions must be ratified by the Board at its next meeting following the action.

In cases where immediate action need not be taken, ArtsWA staff convene a panel at the discretion of the Executive Director. The panel's membership may include Board members, outside experts in conservation and restoration, and/or other arts professionals and must include at least three voting (non-staff) members. The panel may be convened as a standing panel (with membership changed as needed at the discretion of the executive director), or as a project-specific panel. Staff present artwork deaccession recommendations and related support materials to the panel. A simple majority of panel members must vote in favor of deaccession for the artwork to be recommended to the Board for deaccession.

Final authority to deaccession artwork rests with the Board. Deaccession recommendations may be presented to the Board at any of its meetings, at the discretion of the Executive Director and Board chair.

In order for a recommended deaccession to be carried out, all the following conditions must be met:

- A third-party appraisal is on file in the case of artwork of substantial cultural or market value, as determined by staff.
- An artist whose work is considered for deaccession has been notified in writing at the current address or if unknown, at the last address on file with the Commission.
- Photographic documentation is on file where reasonably possible.
- A property loss form, police report, and/or equivalent information is on file in all deaccession cases based on loss, theft, or destruction.

- Board approval of recommended deaccession.

## Disposition

Pursuant to the authority of ArtsWA under RCW 43.17.210, 43.19.455, 28B.10.025, and 28A.335.210, staff determine the best means of disposal given the condition, materials, and scope of the artwork. The deaccession panel may be consulted. Staff must take steps to notify the artist.

Artwork recommended for deaccession may be removed in one or more of the following ways, listed here without preference:

**Destruction:** In the event the deaccessioned artwork has been damaged beyond repair, the artwork presents a safety hazard in its present condition, or the environment or architectural support is to be destroyed or modified such as to compromise the artist's intentions, and the artist will not be salvaging the artwork, ArtsWA staff may authorize that an artwork be disposed of.

**Reconfiguration:** In the event of damage or loss of part of an artwork, a deaccessioned work may be reconfigured. Reconfiguration may occur only in collaboration with the artist. In the case of reconfigured artwork, the newly created work must receive a new accession number and be treated as a different artwork from the deaccessioned artwork.

**Repatriation:** The artwork or relevant part/s may be repatriated where legally required by NAGPRA.

**Sale:** The artwork may be sold at a public auction to individuals or groups not affiliated with the artwork, ArtsWA, or the deaccession action. Proceeds realized from the sale must be used for the acquisition of artwork for the State Art Collection. Provisions in some acquisition contracts require that 15percent of the appreciated value of the deaccessioned artwork must be paid to the artist.

**Salvage:** The artwork, in its current condition, may be offered to the artist at his or her expense to salvage or retrieve the artwork in accordance with artwork acquisition contracts and the Visual Artists Rights Act of 1990 (VARA).

**Transfer:** The artwork, if of significant cultural or market value as determined by staff, may be transferred to a nonprofit or public cultural organization or agency with a collecting mission appropriate to the artwork and with the means to care for the artwork in the manner of the acquisition contract.

## Documentation and Records

For each artwork deaccessioned from the State Art Collection, ArtsWA will maintain complete and accurate records, including photographs and a description of the method used for disposal, as well as notations of special circumstances, as appropriate. When an artwork is deaccessioned, all paper

and electronic files and related photography will be clearly marked with the artwork's deaccessioned status.

# ACCESS AND USE

## Public Access

ArtsWA encourages research, interpretation, and contemplation of the State Art Collection artworks, which are sited statewide, typically in or on the grounds of state-constructed buildings. Access to these spaces varies and is managed by the partner agency where the artwork is sited. Should a partner agency be unable to display an artwork, ArtsWA may pursue re-siting at its own initiative. Meaningful access to artwork is desirable and will be considered at the time of artwork acquisition or re-siting.

ArtsWA staff may determine that artworks in the State Art Collection be restricted in their display if they are portable, have appreciated significantly in cultural or monetary value, and are potentially fragile. Access to these works is on a case-by-case basis and will be determined by the Executive Director, giving consideration to the purpose of access, artwork condition, and storage situation.

Internet-based public access to the State Art Collection is a goal of ArtsWA in its 2012-2016 Strategic Plan. As of this writing, ArtsWA staff have featured selected State Art Collection works on a free mobile app called STQRY, have presented all permanently sited college and university works on data.wa.gov, and are developing a searchable, internet-based database platform for the presentation of more State Art Collection works.

## Re-siting

Re-siting is intended to provide an appropriate, long-term and secure site for an artwork, when its original site is no longer feasible or desirable. Re-siting may not be feasible for architecturally integrated or site-responsive artwork.

Whenever possible, artwork that is not site-integrated should be re-sited within the jurisdiction of the original partner agency. Acquisitions occur through a deliberate and thoughtful process facilitated by ArtsWA staff and informed by stakeholders in the local community; re-siting within the partner agency ensures this process is respected.

Before an artwork is moved within a partner agency site, the partner agency must consult ArtsWA staff in order to identify an appropriate site for the artwork (considering, for example, public access, site-responsive nature of the artwork, environmental conditions, public safety, and security of the artwork). Partner agencies must also submit an artwork handling and reinstallation plan for ArtsWA staff approval. ArtsWA staff may remove an artwork if site conditions compromise the artwork's security or integrity.

If re-siting within the original partner agency jurisdiction is not feasible, then the artwork may become available for re-siting to other partner agencies. Priority may be given to partner agencies that have generated funding pursuant to WAC 30-40-050 but have not received a public art project.

When re-siting occurs at the request of the partner agency, that agency is responsible for the associated costs. Staff may consider re-siting at the cost of ArtsWA, if it is feasible within the course of normal ArtsWA work.

## Artwork Loans<sup>47</sup>

### Outgoing loans

Artwork may be loaned to nonprofit or public cultural organizations or agencies for exhibition purposes when the exhibition shares the artwork with new audiences, promotes scholarship, and/or offers new consideration of the artwork and/or artist. Loans will not be made for commercial purposes.

All loans are made at the discretion of the Executive Director or his/her designee and are coordinated by ArtsWA staff. The Executive Director will consider such issues as the following when determining loan approval:

- Nature of the exhibition and its benefits to the State Art Collection.
- Capacity of the borrower to provide appropriate safeguards for the artwork (this may include review of the borrower's Standard Facility Report, as adopted by the Registrars Committee of the American Association of Museums)<sup>48</sup>.
- Length of loan period.
- Impact of loan on the partner agency.
- Feasibility of artwork removal.
- Artwork condition and capacity to withstand travel and display.

Loan costs are borne by the borrower. Insurance for loans is covered by the borrower "wall-to-wall," starting when the artwork is removed from its place of residence and continuing until it is returned.

All loan requests must be made in writing directly to ArtsWA. Staff negotiate loan terms and complete loan agreements with the borrower. Staff will coordinate loans with the borrower and the partner agency. In the case of non-integrated artwork, the partner agency must make the work available for loan.<sup>49</sup>

ArtsWA staff collaborate with the borrower to determine packing and shipping. The safety and security of the artwork and specific travel-related risks are taken into consideration.

ArtsWA staff reserve the right to recall loaned artwork if loan agreement terms are violated or for any reason.

### Incoming loans

ArtsWA does not ordinarily borrow artwork. However, should ArtsWA determine that an incoming loan is necessary, the artwork will be protected to the same degree as is required for outgoing loans.

ArtsWA will not borrow artworks for which the lender does not have clear title, nor will it borrow materials that may be subject to repatriation.

# DOCUMENTATION AND RECORDS

## Accession Numbers

Unique accession numbers for artwork identification are assigned by ArtsWA staff at the initiation of the first contract related to an artwork acquisition. The accession number of a deaccessioned artwork may not be reused.

Accession numbers include the following: agency acronym, year contracted, lot or sequence of placement into the collection, and object number. Letters at the end of an accession number indicate that an artwork is composed of components.

Accession number examples:

**WSAC2010.002.000:** “2010” indicates the year of the contract; “002” indicates that this was the second acquisition initiated in the year 2010; “000” indicates that the artwork is composed of only one component and was acquired as an individual work.

**WSAC2010.002.00A-D:** “2010” indicates the year of the contract; “002” indicates that this was the second acquisition initiated in the year 2010; “00A-D” indicates that the artwork is composed of four components, which must be exhibited as one artwork, a polyptych.

**WSAC2010.002.001, then WSAC2010.002.002, etc.:** “2010” indicates the year of the contract; “002” indicates that this was the second acquisition initiated in the year 2010; “001” and “002” indicate that multiple artworks by the same artist were acquired under a single contract; these works are not necessarily related or part of a series. Numbered endings also indicate that each artwork is separate from the other and can therefore be displayed separately should it become necessary for reasons such as re-siting or deaccession.

The assignment of accession numbers following the method outlined above became consistent with the adoption of *ArtCare* in 2006. The relationship of one object to another based on an accession number assigned prior to 2006 cannot be assumed. For example, a number assigned prior to that year that ends in letters may not indicate one artwork with related components.

## Cataloguing

ArtsWA staff catalogue the artwork in the State Art Collection as it is acquired. Since the implementation of a new database system in 2008-2009, cataloguing of all acquisition records includes information about funding source, fiscal coding, expenditures for artwork acquisition, project manager, artist, artwork title, date, medium, dimensions, location, and description.



## Marking

### Responsibility

Artwork marking is typically done with a permanent identification plaque or other label affixed to the artwork, where appropriate. The artist is responsible for designing, fabricating, and installing an identification plaque for artwork commissions.<sup>50</sup> ArtsWA is responsible for creating identification plaques or other labels for purchases, re-siting, and replacement. Plaques must include the artist's name, artwork title, date, primary media, credit line ("Washington State Arts Commission in partnership with name of partner agency; State Art Collection"), accession number, and optional interpretive text. The required plaque text is determined by ArtsWA and is published in the *Public Artist Handbook*<sup>51</sup>. Before an artwork is fabricated, the artist-generated plaque text, materials, and installation method are reviewed by ArtsWA staff.<sup>52</sup>

### Marking methods by artwork type

Commissioned artwork is marked with a permanent identification plaque designed by the artist as part of his/her commission contract. Plaques for artworks commissioned in the early years of the State Art Collection may not include the same information as plaques for artworks acquired more recently, due to changing standards.

Purchased artwork is marked with a wall or pedestal-mounted plaque, and on the artwork verso, a label indicating information about the artwork, including its accession number and that it is a part of the State Art Collection. Purchased artwork acquired through 2003 was delivered directly from the vendor (artist or gallery) to the site and was therefore not labeled directly with an accession number or label indicating inclusion in the State Art Collection. As possible and appropriate, ArtsWA staff apply labels and/or accession numbers to unmarked artwork for identification purposes. Plaques for artworks purchased in the early years of the State Art Collection may not include the same information as plaques for artworks acquired more recently, due to changing standards.

## Records

### Paper files

ArtsWA retains four types of paper files for the State Art Collection: interagency agreement files, project files, contract/conservation files, and inventory files. All files are housed in the ArtsWA office.

**Interagency agreement files:** original interagency agreements and related correspondence.

**Project files:** documents, correspondence, and notes related to the acquisition process. Project files may include preliminary proposals, fabrication images, Art Selection Committee lists, and Conservation Consultation and Review documentation (beginning in 2010).

**Contract/conservation files:** original contracts for the initiation of design, commission, or purchase of an artwork and any subsequent conservation; the artist's final artwork proposal; stamped engineering documents; Artist's Specification Sheet; Technical and Maintenance Record or Detailed Artwork Report; Artist's Public Report or resume and artwork-related statement; correspondence relative to the artwork after its acquisition and loan or re-siting-related documents.

**Inventory files:** completed partner agency or site inventory forms. Since 2008, inventory records are kept electronically only. Follow-up correspondence is typically kept in contract/conservation files.

## Electronic records

ArtsWA staff maintain electronic records in a database system. This database is the primary tool for tracking an artwork's current status, information about its acquisition, and its location history. These records are stored on a server that is backed up weekly onto tapes by ArtsWA technical staff and stored off-site. Electronic records may include digital image files, in addition to text-based information.

## Photographic documentation

The acquisition contract with the artist requires photographic documentation of the final artwork; current commission contracts also require in-process photographic documentation. ArtsWA retains these photographs in print, slide, and/or digital format.

Slide documentation is kept in three image archives:

**Archival (non-circulating):** one copy of each image, typically of master quality.

**Circulating:** one or more copies of each image, typically of duplicate quality.

**Conservation (non-circulating):** Slide format images of artworks made in conjunction with conservation examinations.

ArtsWA stores digital documentation on the database server and sometimes on CDs, by accession number.

## Rights and Reproductions

### Photography

Photography or filming of artwork in the State Art Collection for personal use is generally permitted. This does not include permission to publish. ArtsWA does not own copyright to State Art Collection artworks and therefore cannot provide copyright permission to third parties.

Requests to ArtsWA for photographic material for publicity, education, or exhibition must be made in writing.

ArtsWA has the irrevocable license to make graphic reproductions of artwork for non-commercial purposes. Specific reproduction rights are granted to ArtsWA through acquisition contracts with artists and will guide ArtsWA use of artwork reproductions. All reproductions by ArtsWA will credit the artist and will include the artwork title, date, credit line (i.e. “Washington State Arts Commission in partnership with partner agency”), and photography credit, as designated by the artist, if applicable.<sup>53</sup>

## Copyright

ArtsWA makes every effort to comply with copyright laws and to adhere to the copyright provisions of contracts under which each artwork is acquired.

## Reproduction rights

The artist reserves all rights under copyright law to which preliminary studies, drawings, specifications, models, and the artwork may be subject.<sup>54</sup>

In the case of outside publication, ArtsWA does not assume responsibility for either of the following:

- Determining the nature of any rights, the ownership or interest therein, and for obtaining the appropriate permissions to publish or use.
- Determining the nature of any liabilities (including liabilities for defamation and invasion of privacy) that may arise from any publication or use.

## Visual Artists Rights Act

The Visual Artists Rights Act of 1990 grants artists certain rights including the rights of attribution and the rights of integrity; acquisition contracts with artists address these rights and will guide ArtsWA actions. The artist is responsible for notifying ArtsWA with any changes of contact information.

# KEY DEFINITIONS

**Art in Public Places program:** The visual art program of ArtsWA, established by the Legislature in RCW 43.46.090 to acquire works of art and to develop, administer, and operate the State Art Collection.

**ArtsWA:** The collective entity of the Washington State Arts Commission, including the Board, executive director, and staff (noun).

**Board:** Members of the Board appointed to the Washington State Arts Commission pursuant to RCW 43.46.015.

**Board member:** An individual appointed to the Board of the Washington State Arts Commission.

**Chair:** The chair of the Board, elected pursuant to WAC 30-08-050 and fulfilling duties as established in Title 30 WAC.

**Collections management:** The ongoing care, preservation, and maintenance of the State Art Collection, including activities such as the management of conservation, restoration, deaccession, documentation, inventory, labeling, loans, and re-siting of artwork.

**Commission:** A type of artwork acquisition in which an artist is hired to create a work of art (verb).

**Conservation:** Treatment of malfunctioning or damaged artworks for the purpose of bringing them to a stable condition so that future routine and special maintenance can be effective. Conservation-related activities may also include examination and documentation.

**Cultural patrimony:** Artwork having ongoing historical, traditional, or cultural importance central to an Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal member. These items may not be conveyed (sold or gifted) by an individual.

**Deaccession:** Board action to remove an accessioned artwork from the State Art Collection.

**Executive Director:** That person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter and Title 30 WAC.

**Inventory:** A periodic survey of the physical state and current location of artwork in the State Art Collection.

**Panel:** A group of individuals convened by ArtsWA staff to review applications, nominations, or staff recommendations based on published review criteria, in order to make recommendations to the Board or Executive Director.

**Partner agency:** A state agency, K-12 public school, university, college, community college, or other public entity working with the Art in Public Places program.

**Re-siting:** The relocation of an artwork in the State Art Collection within the jurisdiction of a partner agency or between partner agencies.

**Restoration:** A treatment that returns a malfunctioning or damaged artwork to a known or assumed state, often through the addition of non-original material.

**Revised Code of Washington (RCW):** The compilation of all permanent Washington laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws, such as appropriations acts. The RCW is published by the Statute Law Committee and is the official version of the code.

**Routine maintenance:** A regular procedure to preserve an artwork in the State Art Collection in proper condition: clean, presentable, and in working order. It may include activities such as surface dusting, replacement of lights, cleaning of glass or Plexiglas, removal of debris, oiling of moving parts, etc.

**Site:** The location of an artwork. The site may be the same as the partner agency, a division thereof or another public agency. In the case of temporary artwork loans, the borrower's location is the site.

**Special maintenance:** Anticipated but infrequent activities required to maintain aesthetic and/or structural aspects of the artwork in the State Art Collection, including integrity of the overall surface and individual elements. Special maintenance typically involves non-art specific skill sets, such as painting with industrial materials, mortar replacement, or landscape maintenance.

**Staff:** Employees of the Washington State Arts Commission's Art in Public Places program, under the direction of the Executive Director, pursuant to RCW 43.46.045, employed to carry out the functions of that chapter and Title 30 WAC.

**State Art Collection:** All artwork and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455.

**Stewardship:** The responsible management of an artwork entrusted to one's care.

**Treatment:** The deliberate alteration of the chemical and/or physical aspects of an artwork, aimed primarily at prolonging its existence and which does not alter the content or intended physical appearance of the artwork. See conservation and restoration definitions for different types of treatment. Routine maintenance should not include treatment. Special maintenance may include activities included within the definition of treatment.

**Washington Administrative Code (WAC):** Regulations of executive branch agencies that are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State.

**Washington State Arts Commission:** see “ArtsWA.”

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- <sup>1</sup> [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), ArtsWA.
- <sup>2</sup> RCW [43.046.090](#) and [43.46.095](#).
- <sup>3</sup> WAC [30-40-020](#).
- <sup>4</sup> WAC [30-40-060](#) (3)(h).
- <sup>5</sup> [Strategic Plan 2012-2016](#), ArtsWA.
- <sup>6</sup> RCW 43.46.095 and WAC [30-40-50](#) (3)(b).
- <sup>7</sup> RCW 43.46.090; RCW 43.46.095; and [WAC 30-02-010](#) (Definition of State Art Collection).
- <sup>8</sup> WAC [30-40-50](#) (1)(c).
- <sup>9</sup> RCW [28A.335.210](#); [28B.10.027](#); and [43.17.200](#).
- <sup>10</sup> 1993's [Substitute Senate Bill 5717, Section 1005](#).
- <sup>11</sup> [Guidelines for the Artwork Selection Process in State Agencies, Universities, and Community Colleges](#), Funding and Project Options section (PDF), ArtsWA.
- <sup>12</sup> [Guidelines for the Artwork Selection Process in Public Schools](#), Funding and Project Options section (PDF), ArtsWA.
- <sup>13</sup> [DOC Policy 270.050](#) (PDF), DOC September 22, 2009.
- <sup>14</sup> RCW 28A.335.210; 28B.10.027; and 43.17.200.
- <sup>15</sup> WAC 30-40-060 (3)(g); [30-40-110](#) (2)(c); and [Guidelines for the Artwork Selection Process in State Agencies, Universities, and Community Colleges](#), Resiting section (PDF), ArtsWA.
- <sup>16</sup> [Public Artist Handbook](#) (PDF), ArtsWA.
- <sup>17</sup> [Materials and Fabrication Handbook](#) (PDF), ArtsWA.
- <sup>18</sup> WAC 30-40-050 (7).
- <sup>19</sup> [2005 Engrossed Senate Substitute Bill \(ESSB\) 6094, Section 910 \(4\)](#)
- <sup>20</sup> RCW 28A.335.210; 28B.10.027; and 43.17.200.
- <sup>21</sup> RCW 28A.335.210; [28B.10.025](#); 28B.10.027; 43.17.200; [43.17.205](#); [43.17.210](#); [43.19.455](#); 43.46.090; 43.46.095; WAC 30-40-020; 30-40-050; [30-40-100](#); 30-40-110; [30-40-120](#); [30-40-130](#); and [program guidelines](#) published on agency website as relevant to programmatic activities.
- <sup>22</sup> WAC 30-40-060 (3)(c).
- <sup>23</sup> WAC 30-02-010 (Definition of State Art Collection).
- <sup>24</sup> [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), ArtsWA
- <sup>25</sup> WAC 30-40-060 (2)(b); [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), ArtsWA.
- <sup>26</sup> WAC 30-40-060 (3)(e); [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), ArtsWA.
- <sup>27</sup> WAC 30-40-060 (1) and 30-40-060 (3)(e).
- <sup>28</sup> *Washington State Administrative and Accounting Manual*, [Chapter 30.45 – Capital Asset Physical Inventory Policy](#), 2009, Washington State Office of Financial Management (OFM).
- <sup>29</sup> [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), 2010, ArtsWA
- <sup>30</sup> WAC 30-40-050 (1); 30-40-060 (3)(a); and 30-02-010 (Definitions of Conservation and Restoration).
- <sup>31</sup> WAC 30-40-060 (1); [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), 2010, ArtsWA; [Contract for Commissioning of Artwork](#) (PDF), 2008, ArtsWA.
- <sup>32</sup> WAC 30-40-060 (3)(a).
- <sup>33</sup> [Interagency Agreement for the Administration and Management of the State Art Collection](#) (PDF), 2010, ArtsWA
- <sup>34</sup> [Public Artist Handbook](#) (PDF), ArtsWA.
- <sup>35</sup> [Public Artist Handbook](#) (PDF), ArtsWA.

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- <sup>36</sup> Public Artist Handbook (PDF), ArtsWA.
- <sup>37</sup> Contract for Commissioning of Artwork and [Detailed Artwork Report](#) (PDF), ArtsWA.
- <sup>38</sup> WAC 30-40-050 (1).
- <sup>39</sup> WAC 30-40-060 (1).
- <sup>40</sup> WAC 40-40-060 (3)(a).
- <sup>41</sup> *Washington State Administrative and Accounting Manual*, [Chapter 30.20 – Valuing, Capitalizing, and Depreciating Capital Assets, Section 22 Assets Not Capitalized](#), 2001, OFM.
- <sup>42</sup> WAC 30-40-060 (3)(d).
- <sup>43</sup> Interagency Agreement for the Administration and Management of the State Art Collection (PDF), 2010, ArtsWA.
- <sup>44</sup> [The Appraisal Foundation](#).
- <sup>45</sup> [The Native American Graves Protection and Repatriation Act \(NAGPRA\)](#).
- <sup>46</sup> WAC 30-40-060 (3)(b).
- <sup>47</sup> WAC 30-40-060 (3)(f).
- <sup>48</sup> [General Facility Report](#), 2011, Registrar’s Committee of the American Alliance of Museums
- <sup>49</sup> Interagency Agreement for the Administration and Management of the State Art Collection (PDF), 2010, ArtsWA.
- <sup>50</sup> Contract for Commissioning of Artwork (PDF), ArtsWA.
- <sup>51</sup> Public Artist Handbook (PDF), ArtsWA.
- <sup>52</sup> Public Artist Handbook (PDF), ArtsWA.
- <sup>53</sup> Contract for Commissioning of Artwork (PDF), ArtsWA.
- <sup>54</sup> Contract for Commissioning of Artwork (PDF), ArtsWA.